

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROMEO COOLEY,

Petitioner,

v.

SUPERINTENDENT BROOKS, et al.,

Respondents.

Civil Action No. 07-285 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on October 17, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 76], filed on March 26, 2009, recommended that Petitioner's Amended Petition for Writ of Habeas Corpus [Doc. No. 57] be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Petitioner filed objections and a letter to the Court on March 31, 2009 [Doc. No. 78 and Doc. No. 79]. After de novo review of the amended petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 8th day of April, 2009;

IT IS HEREBY ORDERED that the Petitioner's Amended Petition for Writ of Habeas Corpus [Doc. No. 57] is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 76] of Magistrate Judge Baxter, filed on March 26, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge